

**Minutes - King County Rural Forest Commission Meeting**  
**Thursday, May 9, 2013, Preston Community Center**

*Commissioners present:* John Chaney (Chair), forest landowner; Dick Ryon, North Bend resident (Vice Chair); Doug McClelland, WDNR; Cindy Spiry, Snoqualmie Tribe; Sandy Miller, forest landowner; Daryl Harper, forest landowner; Bernie McKinney, forest landowner; Nate Veranth, forest landowner; and Brandy Reed, King Conservation District; and Joe Neal, USDA Forest Service

*Staff:* David Kimmett, Parks Division; Kathy Creahan, Water & Land Resources Division; and Linda Vane, Commission Liaison

*Guests:* Nick Bratton, Forterra; Lindsay Fromme, Forterra; Donna Brathovde, Ravensdale resident; and Mike Brathovde, Ravensdale resident

Chair John Chaney called the meeting to order at 9:40 a.m.

*Minutes:* Motion 1-0513 That the minutes of the March 14, 2013 meeting be approved. The motion passed unanimously.

**Staff and Agency Reports and Announcements**

*Soft Surface Trails Subcommittee Report* – Doug McClelland reported that a Commission subcommittee comprised of Rex Thompson, Julie Stangell, Daryl Harper, Nate Veranth, and he, had identified two topics of concern related to soft surface trails on private land. These are: 1) unauthorized construction of trails (“bootleg trails”) and (2) the need for a streamlined trail permitting process through King County’s Permitting Department.

Doug said that the informal construction of unauthorized trails is a big problem for public and private landowners. The subcommittee recommended that the equestrian, mountain biking, and hiking communities be involved finding a solution.

Related to trail building permits, Doug said that private landowners who work with Washington Department of Natural Resources (DNR) to get forest practice permits might view the County’s requirement for trail permits as an unwanted new regulatory layer. On the other hand, said Doug, there can be environmental or safety risks involved in trails construction that are legitimately subject to regulation. Doug said the subcommittee discussed the possibility of using the King County Parks and DNR trail programmatic permits as a model for a streamlined permit process on private land.

*King Conservation District (KCD)* – Brand Reed reported on the Task Force and Conservation Panel recently convened by the KCD and King County. She explained that the Task Force brings together major stakeholders in a dialogue about the natural resource management priorities in the county, unmet service needs, and how the conservation district might best deliver needed

services in the future. Brandy explained that Dick Ryon represents the Rural Forest Commission on the Task Force in order to bring forestry perspectives into the discussion. The KCD is not an Agriculture agency; it is a land management agency that helps private land managers address critical resource concerns, not just agriculture, said Brandy.

*Shoreline Master Program* – Linda said that Randy Sandin of the Department of Permitting and Environmental Review would provide a letter to the Commission to explain recent changes in code that affect shorelines.

*RFC Administration* – Linda Vane reminded the commissioners to complete the online training regarding about public disclosure and the rules governing retention of public records. Moving to another topic, she reported that in a few months all Board and Commission members would be surveyed to get feedback on the operations and effectiveness of these advisory groups.

Linda distributed copies of the Commission work plan that was discussed and finalized at the March meeting. The plan shows the priority actions, next steps, who will be doing the work, and when. Linda pointed out that the commission has already made significant progress toward completing the tasks on the list.

*State Initiative 502* – Kathy Creahan reported that King County has a role in making comments on the State rule-making process related to Initiative 502, which is the initiative to legalize marijuana. She said that the representatives from the various County departments are developing the County's comments. She said this is an avenue for input on state rules for growing, processing, or selling marijuana. She asked that any commissioners with recommendations contact her. Dick Ryon commented that small forest landowners should make sure they are a visible presence on their land to discourage unauthorized activities on their property.

*Washington Department of Natural Resources* – Doug McClelland reported that DNR is preparing to kick off SEPA review of its Snoqualmie Corridor Recreation Plan. Among the uses are hiking, biking and equestrian use. The main idea is to separate motorized and non-motorized uses and access, he said. This plan covers an area from I-5 Exit 17 at Sunset to Exit 38, so there is a big influence on the middle fork of the Snoqualmie, with the US Forest Service, King County, State parks, City of Issaquah, and North Bend all having land adjacent. The full area is 53,000 acres and includes all of Mt. Si and Middle Fork Snoqualmie down to the Raging River.

Doug said that this planning process is significant because there is recreational potential right up against working forests. Half of the planning area is natural resource conservation area along with working forest. Doug said that DNR land looks upon a couple million people in the urban area who use the forest for recreation.

John asked if recreational use could interfere with significant commercial forestry. Doug said that the Raging River is neat because the former owner, did not let people in. This means that DNR has a chance to lay out a trail network that will keep people away from active logging areas but still provide routes to scenic areas and recreation.

### **Update on Transfer of Development Rights in the Region**

Nick Bratton, Transfer of Development Rights Project Manager, Forterra

Lindsay Fromme, Policy Department Project Associate, Forterra

Introducing the speakers, Linda explained that a 2012 Comprehensive Plan policy would allow the transfer of development rights from a property in the forest production district to a mining site, providing for a clustered residential development with associated open space to be located on the former mine site. This is a new policy direction for the County, she explained, and it is not clear if this will be widely applied or will be limited to a single pilot project only.

Nick Bratton provided a regional overview of Transfer of Development Rights programs. He explained how Forterra has been approaching conservation on a regional scale using market-based tools. He said that the Puget Sound Region is forecasted to grow by approximately 1.7 million people by 2040. Growth is to be directed to urban areas (1.6 million people) and to Rural-zoned areas (115,000), with an unknown number of people moving into Resource-zoned areas, he said. Nick reviewed Forterra's Landscape Strategies, which lays out their strategy for investing in conservation on lands with different land uses, from ecologically significant habitats to rural and urban communities. Forterra sees market-based strategies as key to protecting working resource lands from development, he said. The corresponding strategy is to ensure that cities are appealing places to live so that they are the driver for protecting working lands. One of the tools in a larger portfolio of tools is Transfer of Development Rights (TDR), said Nick.

Nick provided an overview of the Landscape Conservation and Local Infrastructure Program (LCLIP). This combines TDR with a public infrastructure financing tool called tax increment financing. In exchange for accepting development rights, cities will have access to financing for redeveloping designated districts. They will be able to bond against the future tax revenue generated by the development projects, allowing them to improve essential infrastructure. Cities did not want to accept additional growth without a way to provide the additional infrastructure, according to Nick. Seattle is the first city to adopt this program, he said.

Dick praised the TDR program, and then commented that TDRs seem like a "non-renewable" resource. Once you buy the development right, "that's it," he said. Dick said Forterra might want to consider TDRs as having a lifespan that could be renewed after a certain amount of time.

John Chaney pointed out that the resource land-oriented TDR program is in competition for TDRs that are used for historic preservation, affordable housing, etc. He asked if this meant that resource land conservation is now a higher priority than those other programs. Nick acknowledged the value of affordable housing. He said there are ways to segment incentives so that these multiple values do not compete. He said Seattle has allocated TDRs to spread them out across the various priorities.

John said cities are required to provide infrastructure and services to growth that the State Growth Management Act requires. He pointed out that TDR is a very artificial market. The public is assigning value to these development rights for public objectives. How do we control

what the cities are doing in order to make this work for rural area? Nick said that just because you are planning for growth does not mean that people are going to go there.

John commented that this is an exceptionally complex project and the details are important. He referred back to Dick's question: can the transfer provide a long-term income stream? We know that some of those lands require a long term, multi-decade commitment to managing the lands. Whereas TDR is a single sale; what happens 50 years down the road when there needs to be an economic investment in those lands remains a question, said John. He said that if one looks at the 100-year lease model in London one can allow for change and still have some protection for the resource. If one sells development rights now, the next-door neighbors may hold out and then sell later for development; and the person who sold DRs is out of luck, he suggested.

Daryl commented that one could say that if a landowner's interest is to maximize timber production, the TDR program is one way to really do that over time, in perpetuity. On the other hand, he said, there is the potential for landowners to lose something in perpetuity that they can never get back. Landowners should consider that is a "now" financial benefit that they will never see again unless they do something with that money.

Nate said that he supports conserving resource land in perpetuity, but he thinks there is some thinking the Commission could do to optimize the terms of these transfers to get more people involved. For example, if a developer sought development rights to put 10 more stories on a building in Seattle – that building is not going to last forever. So there are practical issues for resource land managers. "Why not a 100-year lease?" he asked.

Brandy said that the problem that she sees is that land requires an investment in managing the land. She sees the TDR alone does not ensure that the land will be stewarded into the future.

Lindsay Fromme talked about Forterra's exploration of Ecosystem Services. Their role right now is to partner with agencies to identify opportunities. Then look to see if there are existing programs like CREP or EQIP. Also are looking for opportunities to develop new programs.

Bernie asked about the recent Comprehensive Plan policy that allows demonstration projects that transfer of development rights from Resource-zoned to other rural land. Nick said that Forterra's vision for the region is to have growth concentrated with infrastructure and services in place to support it. Transferring development from one resource category land to another does not really advance that goal, said Nick. However, said Nick, if someone is going to change land use that is legal and has been agreed to by the government, and has gone through a transparent public process, then Forterra would explore the options.

Bernie asked if development rights always have to move from lower density to higher density. Nick said there are urban to urban and rural to urban transfers now.

John referred back to "Rural or Resource-to-Rural" transfers of development rights. He said it is disturbing concept because it is outside of the policy issues of, for example the GMA, which is about concentrating urban use and development in areas with urban services.

### **King County Backcountry Trails System**

David Kimmett, Backcountry Trails Program Manager, King County Parks Division

David presented an update on the work of King County's Backcountry Trails program. He included information on the topics of trail construction permitting, legal provisions for recreational immunity, trails that are on land adjacent to County properties, and community trails and easements.

David said that King County has a regional trails system with 180 miles of soft surface, shared use trails including biking, hiking, and equestrian trail networks. He explained that the Parks Division's programmatic trail permit with King County covers all the trail work they do except work done in wetlands, wetland buffers, aquatic areas such as streams, or construction that requires a building permit such as bridges.

David explained recreational immunity. He said that according to State law if one allows recreational use on one's land, the landowner is immune from liability if someone is injured while recreating on that land. The exception to that is if someone hurts himself or herself on something hazardous or dangerous and you did not warn them about it. Therefore, if trails in King County Parks are maintained to an accepted standard, they are not liable if someone is hurt.

Rex said that the other provision of the statute is that the recreational use has to be free of charge. Daryl pointed out that the immunity is conditional immunity so the landowner still needs to have insurance. That is an expense to the landowner, but if they try to recoup costs and charge a fee, they no longer have immunity. It is a situation where the landowner really has to be committed to offering their private land and spend money to do it, he said. Dick said that, speaking for large landowners, the idea was that the recreational use would use existing roads and would not affect productivity of the site.

With regard to trails on adjacent private lands, David said that King County has thousands of neighbors adjacent to parks. Standard practice is to put signs at the edge of property to let folks know they are leaving the park, he said. He also said that the Parks Division does not publish trails on private land on their backcountry trail maps unless they have permission from the landowners.

David described the planning that the Parks Division is doing in the Preston area and other parts of the county. They have just starting the process engaging the public in planning for connecting County parks with the Washington Department of Natural Resources (DNR) trails system near Preston, he said. There are many social trails in the area with equestrian use and one of the things the Parks Division and DNR are responding to is the public demand for more recreational opportunities, he said.

John complimented the Parks Division for their work with DNR and the public to create a trail network that includes Mitchell Hill and DNR land to the northeast, as well as their thinking about it in a long term way. Such a trail system can create really good connections within the community and doing this right, meaning including the public, helps John convey the value of

“the hard green line.” By which, he explained, he means showing the value that rural lands provide to the urban area. The rural area is creating a huge value for the urban areas is something that needs to be recognized, not just taken advantage of, he said. There is a need for the urban lands to invest in the rural lands in order to create this kind of fabulous experience for urban lands, according to John. He commended the Department of Natural Resources and Parks for moving on this.

#### **Public Comment**

There was no public comment.

The meeting was adjourned at 12:40 p.m.

#### **Next meeting**

The next meeting will be held on July 11, 2013, at the Preston Community Center.

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